

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11946 of 2006

-

Dated:16.06.2006

-

Between:

-

Iragavarapu Narasimhacharyulu.

...Petitioners

and

The Mandal Revenue Officer,Parvada Mandal, Visakhapatnam District and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.11946 of 2006

ORDER:

The petitioner claims that his father was the holder of land admeasuring 99 acres in Survey No.25 of Jagannadhapuram Village, Paravada Mandal, Visakhapatnam District. It is the case of the petitioner that in 1964 the Settlement Officer granted a patta under the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948. However, patta was not granted in respect of 29 acres of land, and therefore, the petitioner filed an application for grant of

ryotwari patta. This time the Mandal Revenue Officer issued proceedings dated 29.07.1991 under the Andhra Pradesh Board Standing Order No.34(d) granting patta. When the same was not implemented, the petitioner filed W.P.No.20617 of 2005. The said Writ Petition was disposed of by this Court in the following terms.

It is well settled that a ryotwari patta or the occupancy certificate issued under Inams Abolition Act cannot be implemented under a writ petition. Be that as it is, after getting instructions in the matter, the learned Assistant Government Pleader for Revenue (General) submits that there were two suits being O.S.Nos.258 of 1991 and 259 of 1991 on the file of the Court of the Principal District Munsif, Anakapalli and therefore, the proceedings of the Mandal Revenue Officer could not be implemented. He also submits that as and when the litigation is given quietus, the request of the petitioner can be considered. Therefore, giving liberty to the petitioner to approach the Mandal Revenue Officer, the Writ Petition is disposed of at the admission stage.

Thereafter the petitioner approached the District Collector and submitted a representation during the weekly programme known as 'Spandana Meeting Time' on which day the Collector accepts complaints for redressal. Though the representation was submitted on 05.12.2005 praying the District Collector to direct the Mandal Revenue Officer, Paravada Mandal, to deliver the land, no action was taken, aggrieved by which, the present writ petition is filed. The petitioner prays for a writ of mandamus directing the respondents to abide by the orders of the first respondent passed on 29.07.1991 in File No.522/91/A.

The learned Counsel for the petitioner made only prayer to direct the Mandal Revenue Officer to consider the representation. Admittedly, the petitioner gave the representation to the District Collector during Spandana. He requested to forward the same to the Mandal Revenue Officer. Therefore, instead of keeping the writ petition pending, the same is disposed of after hearing the learned Assistant Government Pleader for Revenue (General).

The third respondent shall forward the application of the petitioner dated 05.12.2005 - if such application is made; within a period of two weeks from the date of receipt of a copy of this order to the Mandal Revenue Officer, Paravada Mandal. On such event, the Mandal Revenue Officer shall consider the representation and pass appropriate orders within a period of eight weeks thereafter.

The Writ Petition, with the above directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

VS